

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

This document Applies to:  
No. CV-18-04388-PHX-DGC  
Ann Marie Pickraum, Plaintiff

**SECOND AMENDED MASTER SHORT  
FORM COMPLAINT FOR DAMAGES  
FOR INDIVIDUAL CLAIMS AND  
DEMAND FOR JURY TRIAL**

**PLAINTIFF'S FIRST AMENDED SHORT FORM COMPLAINT**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:  
Ann Marie Pickraum

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  2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:  
N/A

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  3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):  
N/A

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  4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:  
New Jersey

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5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

## New Jersey

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

## New Jersey

7. District Court and Division in which venue would be proper absent direct filing:

New Jersey District Court, Newark Division

8. Defendants (check Defendants against whom Complaint is made):

[C.R. Bard, Inc.]

Bard Peripheral Vascular, Inc.

#### **9. Basis of Jurisdiction:**

### Diversity of Citizenship

Other: MDL 2641 Centralization

a. Other allegations:

### **Complaint:**

— 1 —

## fendants' In

### Claim (Check)

Recovery®

G2® Vena

- G2® Express Vena Cava Filter
  - G2® X Vena Cava Filter
  - Eclipse® Vena Cava Filter
  - Meridian® Vena Cava Filter
  - Denali® Vena Cava Filter
  - Other:

11. Date of Implantation as to each product:

January 14, 2009

12. Counts in the Master Complaint brought by Plaintiff(s):

- Count I: Strict Products Liability – Manufacturing Defect
  - Count II: Strict Products Liability – Information Defect (Failure to Warn)
  - Count III: Strict Products Liability – Design Defect
  - Count IV: Negligence – Design
  - Count V: Negligence – Manufacture
  - Count VI: Negligence – Failure to Recall/Retrofit
  - Count VII: Negligence – Failure to Warn
  - Count VIII: Negligent Misrepresentation
  - Count IX: Negligence *Per Se*
  - Count X: Breach of Express Warranty
  - Count XI: Breach of Implied Warranty
  - Count XII: Fraudulent Misrepresentation

- Count XIII: Fraudulent Concealment
  - Count XIV: Violations of Applicable New Jersey (insert state) Law  
Prohibiting Consumer Fraud and Unfair and Deceptive  
Trade Practices
  - Count XV: Loss of Consortium
  - Count XVI: Wrongful Death
  - Count XVII: Survival
  - Punitive Damages
  - Other(s): All claims for Relief set forth in the Master Complaint for an amount to be determined by the trier of fact including for the following:  
(please state the facts supporting this Count in the space immediately below)

On or about April 19, 2016, a CT scan showed the proximal portion of the inferior vena cava filter is tilted to the right and portions of the legs which extend beyond the confines of the inferior vena cava and abut the abdominal aorta.

13. Jury Trial demanded for all issues so triable?

- Yes  
 No

1 | RESPECTFULLY SUBMITTED this 1<sup>st</sup> day of October, 2019.

## FLEMING, NOLEN & JEZ, L.L.P.

By: /s/ Rand P. Nolen  
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*Attorneys for Plaintiffs*

I hereby certify that on this 1<sup>st</sup> day of October, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Rand P. Nolen